S.B. Civil Writ Petition No.9092/2005
Rampal Vs. Addl. District Collector & Ors.

Date:21/11/2006

HON'BLE Mr. JUSTICE ASHOK PARIHAR

Mr. Ajay Gupta, for Petitioner.

Mr. Hari Barath}
Mr. Anil Sharma}, for respondents.

BY THE COURT:

The land in question was allotted by the Gram Panchayat in favour of respondent No.3 vide order dated 26.12.2004. The above order came to be challenged by the petitioner in a revision petition filed before the Additional District Collector, Sikar. The revision was dismissed by the concerned authority vide order dated 28.9.2005. The revision has been dismissed mainly on the ground that the allotment in favour of respondent No.3 was proper after due procedure been adopted by the concerned Gram Panchayat. Allegation of the petitioner in regard to earlier allotment made in his favour has been rejected by the concerned authority only on the ground that no such record in favour of petitioner is available, nor been produced on behalf of the Gram Panchayat. Now, in the present writ petition a reply has been filed on behalf of the Gram Panchayat wherein it has been admitted that the allotment had been made in favour of the petitioner way back in the year 1982. Certain documents in regard to resolution passed by the Gram Panchayat have also been submitted alongwith the reply. There appears to be some misrepresentation on behalf of the Gram Panchayat at the time of disposal of the revision filed by the petitioner.

In view of contradictory stand taken by the parties as also the Gram Panchayat itself, in the interest

of justice, I deem it proper to remand the matter back to the District Collector, Sikar to make a thorough inquiry in regard to issuance of earlier Patta in favour of the petitioner as also subsequent Patta in favour of respondent No.3 after calling the entire record from the Gram Panchayat and pass fresh orders in regard to allotment of land to either party. If there is any misrepresentation or concealment by the concerned authorities of the Gram Panchayat or the concerned officer, necessary disciplinary action may also be taken against them. The District Collector, after making proper inquiry, may pass necessary orders as expeditiously as possible preferable within three months from the date of receipt of certified copy of this order.

With the above observations and directions, the writ petition is disposed of accordingly.

(Ashok Parihar) J.